

DEC 01 2023

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

BY
DEPUTY**DAJORE J MARKS**

Plaintiff,

) JURY TRIAL DEMANDED

)

)

) Case No.

)

JAVITCH BLOCK LLC

Defendant,

)

)

)

)

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff DAJORE J MARKS as and for his complaint respectfully alleges:

I. INTRODUCTION

1. This is an action brought by Plaintiff DAJORE J MARKS, an individual consumer, seeking actual, statutory damages, and costs against Defendant JAVITCH BLOCK LLC. (hereinafter “Javitch Block”) for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter “FDCPA”) which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331 because the complaint alleges a federal claim and requires the resolution of substantial questions of

federal law. Venue is proper in that the Defendant transacts business in Beaumont, Texas and the conduct complained of occurred in Beaumont, Texas.

III. PARTIES

3. Plaintiff DAJORE J MARKS is a natural person residing in Beaumont, Jefferson County, Texas. Plaintiff is a consumer as defined by the FDCPA, 15 U.S.C. §1692a(3).
4. Plaintiff Dajore Marks is allegedly obligated to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes.
5. Upon information and belief, Defendant Javitch Block has a principal place of business that is located at 1100 Superior Avenue, 19th Floor, Cleveland, OH 44114 and is authorized to do business in the State of Texas, and the conduct complained of occurred in Beaumont, Texas.
6. Defendant Javitch Block is engaged in the collection of debt from consumers using the mails and telephone. Defendant regularly attempts to collect consumers' debts alleged to be due to another. The alleged debt arose from a financial obligation that was primarily for personal, family, or household purposes and is therefore a "debt as that term is defined by 15 U.S.C. §1692a(5).
7. Defendant Javitch Block, is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTS OF THE COMPLAINT

8. Plaintiff received a letter from Defendant Javitch Block, about a debt allegedly owed to SYNCHRONY BANK in the amount of \$2019.03.

9. On or about October 17th, 2023, Plaintiff sent a letter to Defendant Javitch Block stating that email was the only convenient way to contact Plaintiff. The letter contained the Plaintiff's contact email.
10. The tracking number for this mailing is 9589 0710 5270 1424 2236 21.
11. On or about October 26th, 2023, Plaintiff received notice from USPS that his letter was received by Defendant Javitch Block.
12. On or about October 30th, 2023, Plaintiff received a letter in the mail from Defendant Javitch Block attempting to collect a debt. These actions constitute a willful violation of 15 U.S.C. § 1692c(a)(1) by Defendant Javitch Block after the Plaintiff sent communication via letter stating that Defendant could only contact Plaintiff via email. Violations thereto are documented by letters that are in the possession of Plaintiff.

V. FIRST CLAIM FOR RELIEF
15 U.S.C § 1692c(a)(1)
(Defendant: Javitch Block)

13. Plaintiff re-alleges and incorporates by reference paragraphs 1-12 above.
14. Defendant violated 15 U.S.C. § 1692c(a)(1) by communicating with Plaintiff via letter after receiving written notice that Plaintiff could only be contacted via email.
15. Defendant caused injury in fact, by causing, among other things, mental and emotional distress, invasion of personal privacy, and other injuries and damages to Plaintiff.
16. Defendants's conduct was negligent and/or willful.
17. Plaintiff is entitled to recover actual damages pursuant to 15 U.S.C. § 1692k(a)(1). Alternatively, Plaintiff is entitled to statutory damages and other costs pursuant to 15 U.S.C. § 1692k(2)(A)(3).

18. Alternatively, Plaintiff is entitled to statutory damages and other costs pursuant to 15 U.S.C. § 1692k(2)(A)(3).

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff DAJORE J MARKS respectfully requests an jury trial and requests that judgment be entered in favor of Plaintiff and against the Defendant Javitch Block for:

- a Judgment for the violations occurred for violating the FDCPA.
- b Actual damages pursuant to 15 U.S.C § 1692k(a)(1).
- c Statutory damages pursuant to 15 U.S.C § 1692k(2)(A).
- d Cost pursuant to 15 U.S.C 1692k(3);
- e For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

Dated: December 4th, 2023
DAJORE J MARKS
3760 Broadmoor Drive
Beaumont, TX 77707
Email: dmarks2011grad@gmail.com
Phone: (409)466-0673



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DAJORE J MARKS

(b) County of Residence of First Listed Plaintiff Jefferson
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

JAVITCH BLOCK LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 710 Fair Labor Standards Act		<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 720 Labor/Management Relations		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 861 HIA (1395H)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations		<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/ Disabilities - Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/ Disabilities - Other	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 26 USC 7609	
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. § 1692 (FDCPA)

VI. CAUSE OF ACTION

Brief description of cause:
Illegal communication by a debt collector

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMANDS

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____